

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claim 1 was pending in this application when last examined and stands rejected.

Support for the amendment to claim 6 can be found in the disclosure, for example, at page 5, lines 10-21.

No new matter has been added.

II. ANTICIPATION REJECTION

In item 3 on pages 2-3 of the Office Action, claim 1 was again rejected under 35 U.S.C. § 102(b) as anticipated by Medina, Biotechnology Techniques, Vol. 11, No. 3, pp. 173-176 (1997).

This rejection is respectfully traversed as applied to the amended claim.

To anticipate a claim, a cited prior art reference must teach each and every element of the claimed invention. See M.P.E.P. § 2131.01.

Amended claim 1 is directed to a method for evaluating the biological activity of a specific binding substance on living cells by means of a surface plasmon resonance analyzer, which comprises: (1) immobilizing the cells on a surface plasmon resonance analyzer; (2) applying a flow of the specific binding substance; (3) continuously measuring a primary signal which appears upon application of the flow, and measuring a secondary signal after elimination of the flow; and (4) evaluating the biological activity of the specific binding substances on the cells with an indication of the secondary signal, which comprises a further increase or periodical change from a baseline level measured from the primary signal.

It is respectfully submitted that Medina et al. fail to disclose or suggest step (4) for evaluating the biological activity of the specific binding substances on the cells with an

indication of the secondary signal, which comprises a further increase or periodical change from a baseline level measured from the primary signal. In particular, Medina et al. fail to disclose or suggest “measuring of a secondary signal.”

As the Office has pointed out, Medina et al. measure a continuous, real-time (RSP) response before, during and after the injection of IgG solution. However, as argued in the last response, Medina et al. fail to disclose or suggest “measuring of a secondary signal”.

As noted above, amended claim 6 specifies that the secondary signal comprises a “further increase or periodical change of a baseline measured from the primary signal.” Again, support for such can be found in the disclosure on page 5, lines 16-17. It is respectfully submitted that the claimed invention with said definition of the secondary signal is distinguished from the disclosure of Medina et al. In this regard, please note that the recorded signals of Medina et al. show declined baseline after injections (see for example, Figs. 1-4 in Medina et al.). This is clearly different from the secondary signal of the amended claims which comprise a further increase or periodical change of a baseline measured from the primary signal.

Thus, it is respectfully submitted that the amended claimed invention is novel over the teachings of Medina et al., as the reference clearly fails to disclose or suggest the measuring of the secondary signal as claimed.

In view of the above, the rejection of claim 1 under 35 U.S.C. § 102(b) over Medina is untenable and should be withdrawn.

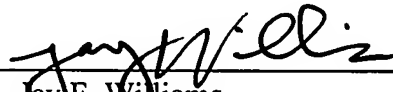
CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Katsutoshi YOSHIZATO et al.

By: 
Jay F. Williams
Registration No. 48,036
Attorney for Applicants

JFW/mjw
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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